

Appl. No. 10/635,410
Atty. Docket: 2003B077
Amdt. dated October 19, 2006
Reply to Office Action of August 22, 2006

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REMARKS/ARGUMENTS

Reconsideration of this application is requested. The claims presented for reconsideration are claims 1-91. No new matter has been added.

Double Patenting Rejection

Claims 1-91 were provisionally rejected on the ground of non-statutory obviousness-type double patenting over claims 1-100 of co-pending U.S. Patent Application No. 10/903,669 ("the '669 application"). The obviousness-type double patenting rejection in the earlier filed application should be withdrawn when it is the only rejection remaining and when a terminal disclaimer under 37 C.F.R. 1.321(c) is filed in the later-filed application. A terminal disclaimer has been filed and the § 112 issue remedied in the later-filed application. Therefore, this earlier-filed case is allowable and a terminal disclaimer is no longer required to overcome said obviousness-type double patenting rejection. Applicants respectfully request that this rejection be withdrawn.

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CONCLUSIONS


Having demonstrated that the rejection should be withdrawn, this application is in condition for allowance. Accordingly, Applicants request early and favorable reconsideration in the form of a Notice of Allowance.

If there are any questions regarding the application, a telephone call to the undersigned would be appreciated, since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response. Please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1712 (Docket #: 2003B077).

Respectfully submitted,

Date: 10/18/06


David M. Weisberg
Attorney for Applicants
Registration No. 57,636

Post Office Address (to which correspondence is to be sent):
ExxonMobil Chemical Company
Law Technology
P.O. Box 2149
Baytown, Texas 77522-2149
Telephone No. (281) 834-0599
Facsimile No. (281) 834-2495